

Notice of Allowability

Application No.

09/432,272

Examiner

Michael P. Nghiem

Applicant(s)

SARUTA ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Communication filed on 13 January 2005.
2. ☒ The allowed claim(s) is/are 1-9, 11-20, 23-25, 35-44, 54-62, 72-77 and 94-114.
3. ☒ The drawings filed on 15 April 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1-13-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on January 13, 2005 has been entered.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

This examiner's amendment corrects the status identifiers for claims 4, 24, 25, 54, and 59-62 and typographical errors in claim 4 as follow:

"4. (Currently Amended) [[4.]] An ink cartridge in accordance with claim 3; wherein the ink quantity-relating information is written into the ink quantity information storage area at a time of replacement of said ink cartridge and/or at a power-off time of said printer.[[.]]"

"24. (Previously Presented) An ink cartridge in accordance with any one of claims 1 through 9 and 15 through 20, wherein said storage unit has format information relating to items of information stored therein."

"25. (Previously Presented) An ink cartridge in accordance with claim 24, wherein the format information is registered in a head area of said storage unit."

"54. (Previously Presented) A printer, to which an ink cartridge in accordance with any one of claims 1 through 9 and 15 through 20 is detachably attached, said printer comprising:

- a storage device that stores plural pieces of specific information,
- wherein the plural pieces of specific information comprises information relating to a quantity of ink kept in said ink cartridge; and
- a writing unit that writes the ink quantity-elapsing time period and the frequency of attachment and detachment being measured by said printer main body."

"59. (Original) An inkjet printer in accordance with claim 58, wherein the data relating to the remaining quantity of ink are written after a power-off operation of said printer main body."

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"60. (Original) An inkjet printer in accordance with claim 59, wherein the rewritable data stored in the second storage area comprises at least one selected among data regarding a time period elapsing after unsealing said ink cartridge and data regarding a frequency of attachment and detachment of said ink cartridge to and from said printer main body, both the elapsing time period and the frequency of attachment and detachment being measured by said printer main body."

"61. (Original) An ink jet printer in accordance with claim 60, wherein the read only data stored in the first storage area comprises at least one selected among data regarding a year, month, and date of manufacture of said ink cartridge, data regarding a type of ink stored in said ink cartridge, and data regarding a capacity of said ink cartridge."

"62. (Original) An ink jet printer in accordance with claim 61, wherein said storage device is an EEPROM."

Allowable Subject Matter

3. Previously withdrawn claims 4, 24, 25, 54, and 59-62 are rejoined to claims 1 and 15. Thus, claims 1-9, 11-20, 23-25, 35-44, 54-62, 72-77, and 94-114 are allowed.

Reasons For Allowance

4. The reasons for allowance were discussed in Applicant's Remarks filed on January 26, 2004.

Saruta et al. (JP 2001-187455) discloses an ink cartridge (Fig. 4) comprising a memory element (80). In a memory cell (81) of the memory element (80), a first region for rewriting the ink residual amount in the ink cartridge is provided so as to be accessed prior to a second memory region for storing the data only to be read out (Solution, lines 5-9). However, Saruta et al. is a foreign relative of the current application; thus, does not qualify as prior art.


Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

February 22, 2005